IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 8381 of 2007(W)

PETITIONER:

RIYAD, S/O.ABDUL KAREEM,
AGED 24 YEARS, ANZIL NIVAS,
LEGENETH WARD, ALAPPUZHA.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.SIRAJ KAROLY

RESPONDENTS:
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1. THE GOVERNMENT OF KERALA, REP. BY
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE STATION HOUSE OFFICER, KARUNAGAPPALLI
POLICE STATION, KARUNAGAPPALLI, KOLLAM.

3. THE SECRETARY,
KARUNAGAPPALLI GRAMA PANCHAYATH,
KARUNAGAPALLI P.O., KOLLAM.

4. THE KARUNAGAPALLY GRAMA PANCHAYATH
REP. BY ITS SECRETARY, GRAMA PANCHAYATH OFFICE,
P.O.KARUNAGAPPALLY, KOLLAM DISTRICT.

5. RAMACHANDRAN, S/O.NARAYANAN,
CHANDRA BHAVANAM HOUSE, PADANAYARKULANGARA,
THEKKUMURI, KARUNAGAPPALLY P.O., KOLLAM.

BY ADV. SRI.P.SATHISAN FOR R5
R1 & R2 BY GOVERNMENT PLEADER SRI.P.A.SALIM
DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE LETTER DATED 7.3.2006.

EXT.P2: TRUE COPY OF ORDER DATED 1.3.2006 IN I.A.439/2006 OF MUNSIFF'S COURT, KARUNAGAPPALLY.

EXT.P3: TRUE COPY OF ORDER DATED 1.3.2006 IN I.A.439/2006 OF MUNSIFF'S COURT, KARUNAGAPPALLY.

EXT.P4: A TRUE COPY OF THE JUDGMENT NO.21685/2006 DATED 19.9.2006 THIS HONOURABLE COURT.

EXT.P5: TRUE COPY OF THE ORDER DATED 18.10.2006.

EXT.P6: TRUE COPY OF THE SAID JUDGMENT DATED 27.11.2006 IN W.P.(C) NO.30047/2006 OF THIS HON'BLE COURT.

EXT.P7: TRUE COPY OF THE ORDER DATED 6.3.2007.

EXT.P8: TRUE COPY OF PHOTOGRAPHS OF THE ACTS.

EXT.P9: TRUE COPY OF THE F.I.R.

RESPONDENTS' EXHIBITS:

EXT.R2(a): TRUE PHOTOSTAT COPY OF THE CONSENT LETTER DATED 6.3.2007.

EXT.R2(b): TRUE PHOTOSTAT COPY OF THE LETTER ISSUED BY THE PANCHAYAT SECRETARY.

EXT.R5(a): TRUE COPY OF TITLE DEED DATED 12.6.1979.

EXT.R5(b): TRUE COPY OF PROOF OF THE SURRENDER.

// TRUE COPY //

TKS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.8381 OF 2007

Dated 26th March, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection for eviction of a tenant by the landlord. The eviction can be done only on the basis of the orders of the Rent Control Court. Even though granting or refusing licence according to law is a matter to be decided by the Panchayat, they have no business regarding eviction of a tenant and against the order refusing to renew the licence by the Panchayat, petitioner has the right of appeal also. The Panchayat has no business with regard to occupation of the premises or eviction of the tenant. It can at the maximum take steps to see that without licence no business is conducted. Panchayat need not worry about non-payment of rent etc. Letter alleged to be written by a staff stated to have been given on behalf of the petitioner will not bind the petitioner. Police is bound to see that petitioner is not evicted except by orders of the Rent Control Court or any other binding orders of the court. We are not expressing any opinion regarding the inter se disputes between the landlord and tenant. Police is directed to see that petitioner is evicted only under due process of law and not by force.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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